

PRE-PUBLIC NOTICE MEETING

Draft CDPS General Permits COR090000 and COR080000
for
Stormwater Discharges Associated with MS4s

May 6, 2013

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Meeting Logistics

- Nuts and Bolts:
 - Copies of presentation
 - Phone participants
 - Cell phones on vibrate
 - Minimize side conversations
 - Mix of overview and discussion
 - Break



Meeting Goals

- Increase awareness of renewal process
- Summarize substantive areas of review in the new permit
- Obtain input for development of draft permit conditions
- Moderate stakeholder discussion
- Written input accepted through **May 20, 2013**
 - Michelle.DeLaria@state.co.us



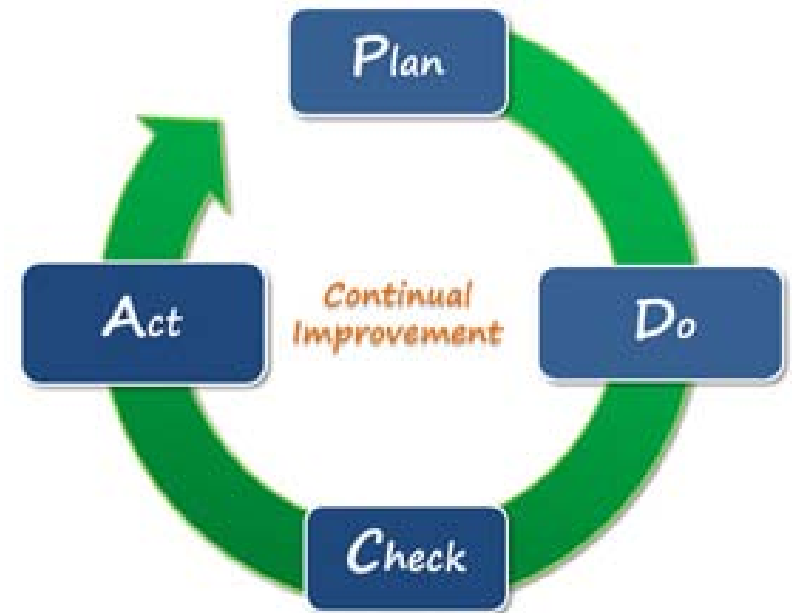
Permit Background

- ❑ Permit review process
- ❑ Permits: 5-year cycle
- ❑ Public Notice process
- ❑ Administratively extended permits
- ❑ Permit Implementation Framework

Background: Implementation Framework

□ Functions

- Permit development
- Permit issuance
 - compliance schedules
 - program documentation
 - compliance assistance
- Measurement
 - annual report review
 - audits
- Refine
 - confirm compliance
 - clarify requirements





Factors that inform the process

- Science
 - Published studies
 - Waterbody information
- Implementation experience
 - Maturity of the program
 - Oversight
 - Applications
- Litigation
 - Problem solving
 - Clarification: e.g., requirements versus recordkeeping
- Level of public priority
 - Citizen engagement
 - Funding
 - National priorities
- Affordability

Key Requirements

	Traditional: Sewage Systems, Large Industrial Operations	Non-traditional: Pesticides, CAFOs, MS4, Construction SW, Industrial SW
Obtain Permit Coverage	Apply	Apply
Effluent Limits	Numeric: DMRs	Practice –based: Inspections, Audits
Monitoring	Chem sampling, DMRs	Self – inspections and audits
Recordkeeping	Lab sheets, DMRs, operational logs	Management plan, program document, logs
Reporting	DMRs, non-compliance notification	Annual reports, non- compliance notification
Proper O&M	Certified operators, inspection	Audits



Permit Writing Guidelines

- EPA Permit Improvement Guide
 - http://www.epa.gov/npdes/pubs/ms4permit_improvement_guide.pdf
 - It is not a roadmap for the next permit
 - It is a tool for concepts and template language
- A general permit is an administrative streamlining tool
 - Regulatory requirements for terms and conditions are the same as for individual permits
 - Applies to multiple facilities

Permit Renewal Process and Timeline (anticipated)

- Timeline and Tasks for Permit Drafting
 - November 2, 2013 – Permit Renewal Kick off meeting
 - Division presented anticipated major areas of substantive review and provided overview
 - Dec 2012 – March 2013:
 - Division/Permittee meetings to brainstorm and get information for Division to develop draft permit concepts
 - X** Late April 2013/ Early May: Pre public Notice meeting
 - Division officially presents major areas of substantive review and received input from stakeholders
 - Division writes draft permit
 - July 2013 – Anticipated Public Notice
 - Draft permit is published for stakeholder comment
 - 60 day comment period planned



General Permit Renewal (anticipated) Timeline

□ Best Guess at Timeline and Tasks for Permit Drafting

- August 2013 – Anticipated Public meeting
- Sept 2013 – Anticipated End Public Notice
- Oct 2013 – Dec 2013 (Anticipated)
 - Review comments
 - Revise permit
 - Prepare responses to comments, allow for commenter review of responses *
 - Additional stakeholder conversations and potential meetings
- Feb 2014 – Anticipated Issue Permit
 - Issue Permit Certifications
- March 2014 – Anticipated Permit Effective



Brainstorming Meetings

(Not including 3 Water Quality
Forum Meetings on Roadway BMPs)

- ❑ Listening Session Meeting 4-17-2013
- ❑ MS4 Renewal Meeting 3-18-2013
- ❑ MS4 Renewal Meeting 3-6-2013
- ❑ MS4 Renewal Meeting 2-19-2013
- ❑ MS4 Renewal Meeting 1-31-2013
- ❑ MS4 Renewal Meeting 1-10-2013
- ❑ MS4 County Permit Coverage 12-12-12
- ❑ MS4 Renewal Kick Off Meeting 11-2-2012

Summaries at www.coloradowaterpermits.com



Discussion



Substantive areas of review

1. Program Description Document **Part I.A**
2. Permit Coverage (Counties) **Part I.A.3**
3. Public Education **Part I.B.1**
4. Illicit Discharge, Detection and Elimination **Part I.B.3**
5. Construction Sites Program **Part I.B.4**
6. Enforcement Response Procedures
7. Post Construction **Part I.B.5**
8. Post Construction (Roadway) **Part I.B.5**
9. Municipal Operations **Part I.B.6**
10. Nutrients **Parts I.B.1 and I.B.6**
11. Monitoring
12. Coal Tar Asphalt Sealant



Miscellaneous Items

1. Definitions
2. Pesticides



Current Permit Problems

- ❑ Lack of clarity of expectations and requirements. Clarifications are included in guidance rather than the permit.
- ❑ The permit does not have a minimum standard of performance in most program areas. Expectations are included in guidance rather than the permit.
 - ❑ Most program areas of the current permit do not comply with regulatory requirement to include requirements to meet MEP.
 - ❑ Guidance is not a regulatory requirement and does not include public notice/comment.
- ❑ Program descriptions were not a consistent indicator of program implementation.

The Division's thinking is that clear requirements in the permit are needed to address problems with the current permit.

Substantive areas of review

1. Program Description Document (PDD) 1/10/13 and 3/6/13 meetings

- ❑ **Goal:** A recordkeeping requirement. A tool for the permittee to confirm compliance with the permit. Include in permit the documentation currently being required by the Division for oversight/audits. Not intended to increase requirements.
- ❑ **Reason:**
 - ❑ Documentation and submittal requirements in current permit not clear, instead have been developed outside of the permit (e.g., template document – 2nd permit term)
 - ❑ Program audits indicated that the current PDD format has not resulted in consistent documentation of how a permittee is meeting permit requirements.
 - ❑ Requirements for submittal of modifications unclear. Requirement to submit minor changes an unnecessary burden and a disincentive to program improvement.

Substantive areas of review

1. Program Description Document (PDD) 1/10/13 and 3/6/13 meetings

- ❑ **Conceptual Permit Elements** (Division is seeking input):
 - ❑ Program organization chart
 - ❑ Organized according to the numbering convention of the permit
 - ❑ Summary description how each permit requirement is being met with references to codes, manuals, SOPs.
 - ❑ Maintained to reflect current conditions
 - ❑ Must be available in electronic or print format (7 days)

Substantive areas of review

2. Permit Coverage (Counties) 12/12/12 and 2/19/13 meetings

- ☐ **Goal:** Permit coverage of programs 2, 4, and 5 for unincorporated areas outside of Urbanized Areas that currently have, or are developing to have, pollutant potential consistent with an urbanized area with focus on providing for construction and post construction BMPs. E.g., unincorporated urban cluster areas and areas that develop after the census counts to greater than 1000 people/sq mi density in counties with MS4 permits.
- ☐ **Reason:** The Division has regulatory authority to designate growth areas so that urban character growth is covered by construction and post construction BMPs. The Division currently requires permit coverage of all program areas for the entire municipality and a similar requirement may make sense for counties to address potential growth areas that may be a significant pollutant source.

Substantive areas of review

2. Permit Coverage (Counties) 12/12/12 and 2/19/13 meetings

☐ Regulatory Background:

- ☐ Reg 61.3(2)(f)(v)(A)(III)(a): The Division **must** evaluate and **may** be required to designate if specific criteria are met - an MS4 serving over 10,000 population and density > 1000 people/sq mi. outside of an Urbanized Area. This includes cities and towns, as well as unincorporated urban clusters.
- ☐ Reg 61.3(2)(f)(iii) and (v): Authority and requirements for designation of additional MS4 discharges, including Permitting based on Growth Areas. This is also addressed in Part I.A.3 of the MS4 Permit. See Appendix B Growth Area Requirements from the General Permit COR090000 Fact Sheet.

Substantive areas of review

2. Permit Coverage (Counties) cont.

- ☐ **Conceptual Permit Elements** (Division is seeking input):
 - ☐ Permittees will submit maps of “buffer” areas, for which programs 2, 4, and 5 will be applied.
 - ☐ Buffer areas are the anticipated growth areas of 1000 people/sq mile density – goal of forecasting the 2020 census Urbanized Areas
 - ☐ Maps that are not submitted by permittees could be developed by the Division.
 - ☐ Exclusions or variances from implementing programs 2,4 and 5 in the buffer areas, e.g.: agriculture land use and large lot construction
 - ☐ Maps could be modified through additional designation if errors are identified or development practices change

Substantive areas of review

2. Permit Coverage (Counties) cont.

- ☐ **Additional items Division is seeking input on:**
 - ☐ Potential Exclusions from programs 2, 4 and 5 in the buffer areas?
 - ☐ Notification requirements for land use greater than 1000 people/sq mile outside of the buffer area. – “land use approval” or list development process? Notification would allow for easier correction if projected maps are incorrect.
 - ☐ Notification time frame – at time of platting, approval, building permit, summary in annual report, summary in renewal application?

Substantive areas of review

3. Public Education 1/10/13 and 2/19/13 meetings

- ❑ **Goal:** Provide clear, transparent public education and participation requirements in the permit. The Division goal is to place the internal table (or similar table) of activities in the permit for transparency.
- ❑ **Reason:** Current permit does not comply with regulatory requirement to include requirements to meet MEP. The current permit does not require any scale of public education to be conducted (e.g., a single brochure could be provided). Division has been reviewing program descriptions against an internal matrix to determine program robustness and negotiating MEP outside of permit.
- ❑ **Conceptual Permit Elements** (Division is seeking input):
 - ❑ A website with specific program information
 - ❑ A table listing activities that the permittee would choose from

Substantive areas of review

3. Public Education

☐ Additional items Division is seeking input on:

- ☐ Specific permittee website content:
 - ✓ Link to state resources (e.g., general permit)
 - ✓ Program explanation – especially illicit discharge and construction
 - ✓ Stormwater program contact information
 - ✓ How to file an illicit discharge/construction complaint.
 - ✓ Pollutants of concern (POC) and behaviors that contribute and mitigate POCs
 - ✓ Permit coverage map

Substantive areas of review

3. Public Education

☐ Additional items Division is seeking input on (cont.):

☐ Required Outreach

- ☐ See nutrient requirements in topic # 10
- ☐ Specific materials, modes of outreach (e.g., information available at certain points of contact)
- ☐ A table listing activities that the permittee would choose from (column, point system, list of outreach)
- ☐ An option to develop a comprehensive stormwater education and outreach program



Substantive areas of review

4. Illicit Discharge, Detection and Elimination **2/19/13 and 3/6/13 meetings**

- ❑ **Goal:** Clear requirements for the ordinance, elements of the IDDE plan, and non-stormwater discharges
- ❑ **Reasons:**
 - ❑ Audits indicated widespread issues with the regulatory mechanisms, the permit lack of clarity appears to be a major contributor.
 - ❑ Permit lacks clarity on what must be in an IDDE plan, this clarity is currently provided as guidance; Division thinking is that this should be in permit.

Substantive areas of review

4. Illicit Discharge, Detection and Elimination 2/19/13 and 3/6/13 meetings

□ Reasons (cont):

- The current process for permittee adding additional allowable discharges essentially allows for a permittee to tell a discharger that they can discharge without a separate CDPS permit, in violation of State law. Lack of transparency and inconsistent with permitting requirements (allowing new discharges outside public process).
- Uncertainty about what constitutes a “reasonable expectation” by the permittee that a non stormwater discharge is not a significant contributor of pollutants.



Substantive areas of review

4. Illicit Discharge, Detection and Elimination cont.

- ❑ **Some Conceptual Permit Elements** (Division is seeking input):
 - Clarifying language from the targeted permit questionnaire and Division guidance/interpretation (e.g., regulatory mechanism is clear that a violation is enforceable from the moment of identification)
 - Requiring that the permittee have tools to trace and identify an illicit discharge
 - Centralized recordkeeping of Illicit Discharge complaints **received by the permittee**
 - Documenting response actions related to closing an Illicit Discharge incident file



Substantive areas of review

4. **Illicit Discharge, Detection and Elimination cont.**

- ❑ **Some Conceptual Permit Elements cont.** (Division is seeking input):
 - Additional discharges that do not need to be considered illicit: dye testing, discharges in accordance with the Low Risk Discharge Policy guidance documents
 - Requiring additional non stormwater discharges to be addressed by permit modification or Low Risk Policy (which includes public notice)
 - Specific requirements regarding training (description, frequency)
- ❑ **Additional items Division is seeking input on:**
 - ❑ Including allowable non stormwater discharge for charity car wash not to exceed once per year. CDPS Permit would still be needed from Division.

Substantive areas of review

5. Construction Sites Program 1/31/13, 2/19/13, and 3/6/13 meetings

- ❑ **Goal:** Clear requirements for the regulatory mechanism, site plans, site plan review, site inspection, enforcement and training
- ❑ **Reason:** Current permit does not comply with regulatory requirement to include requirements to meet MEP:
 - ❑ No requirement for scope or scale of oversight that must be conducted of construction sites. A permittee could comply with permit by conducting 1 inspection during permit term.
 - ❑ No level of BMPs required at a construction site. Anything could be considered compliance, e.g., requiring sweeping.



Substantive areas of review

- ❑ **Reason (cont):**

- ❑ Relies on program submittal and review by the Division to determine adequacy/MEP outside of the permit process
- ❑ Program descriptions have not been an accurate reflection of the practice of permittee programs.
- ❑ Permit audits and construction site screenings have indicated widespread issues with the construction sites program as evidenced by findings on audit reports and construction site screenings.



Substantive areas of review

5. Construction Sites Program 1/31/13, 2/19/13, and 3/6/13 meetings

□ Concepts Discussed:

1. A program that links inspection frequency to enforcement. Less frequent inspections paired with more rapid escalation to penalties vs. increased inspection frequency paired with reduced enforcement escalation.
2. A program that links inspection frequency to the level of oversight and inspection documentation. Example: Monthly inspections require increased scope of oversight, required elements on an inspection form and website posting of violations, whereas increased inspection frequency include a decreased scope of oversight.



Substantive areas of review

5. Construction Sites Program 1/31/13, 2/19/13, and 3/6/13 meetings

☐ Concepts Discussed cont.:

3. A program that provides permit specific requirements for all core functions of the program: regulatory mechanism, site plan requirements, site plan acceptance, inspection (minimum frequency), enforcement (enforcement response plan), and training.

Substantive areas of review

5. Construction Sites Program (cont.)

- ❑ **Some Conceptual Permit Elements** (Division is seeking input): **see meeting 3/6/13 information**
 - ❑ Compliance aspects from the Targeted Permit Questionnaire
 - ❑ Regulatory mechanism
 - ✓ The regulatory mechanism must require erosion, sediment and waste control BMPs for all sources of pollutants to be implemented and maintained in operational condition.
 - ❑ Site plan elements:
 - ✓ Site plans must include erosion, sediment and waste control BMPs to address all sources of pollutants.
 - ✓ Site plans must include a sediment control measure for all disturbed areas during all stages of construction.
 - ✓ Submitted site plans must include BMP details.

Substantive areas of review

5. Construction Sites Program (cont.)

□ **Some Conceptual Permit Elements** (cont)

- Standards
- ✓ BMPs must be designed in accordance with good engineering practices. Add a definition.
- ✓ Add more clarity, similar to construction general permit, on types of BMPs (e.g., tracking control. Expected to not be a significant change for permittees, but should help with clarity for new permittees and stakeholders.

Substantive areas of review

5. Construction Sites Program (cont.)

❑ **Some Conceptual Permit Elements** (cont)

- ❑ Site plan review to confirm elements and standards are met
- ✓ The site plan review and approval/acceptance process must require that BMPs used for all applicable phases of the project are reflected on the site plan.
- ✓ Written confirmation that the approved/accepted site plan has met the permittee's requirements.
- ✓ Written confirmation that the approved/accepted site plan includes a sediment control measure for all disturbed areas during all stages of construction.

Substantive areas of review

5. Construction Sites Program (cont.)

❑ **Some Conceptual Permit Elements (cont.):**

- ❑ Site Inspections
- ✓ Sites must have a routine inspection a minimum of once in a 30 day period. Routine doesn't include Follow up and reconnaissance inspections.
- ✓ Site inspections must document if presence or evidence of an offsite pollutant discharge from failed BMP or uncontrolled source.
- ✓ Site inspections must document all priority (sediment BMPs for all disturbed area) violations of control measures.
- ✓ The permittee must document the return to compliance for sites with violations of priority control measures.
- ✓ The permittee must escalate enforcement for sites with uncorrected violations.
- ✓ The permittee must use site inspection records as a tool to increase inspection frequency for monthly inspections.

Substantive areas of review

5. Construction Sites Program (cont.)

☐ **Some Conceptual Permit Elements (cont.):**

☐ Enforcement

- ✓ The Permittee must develop an enforcement response plan: The Division is looking for comment on the concept of developing a response plan to violation scenarios vs. a plan to return the site to compliance. [See ERP item #6](#)

☐ Training

- ✓ Description, frequency of training. Include summary of external training (e.g., contractors).

Substantive areas of review

5. Construction Sites Program (cont.)

☐ **Additional items Division is seeking input on:**

- ✓ A list in the permit of types of violations that the permittee must develop response procedures (e.g., off site release, control measure failure, CM requiring maintenance, construction commencement without review and acceptance of plan).
- ✓ A requirement to address repeat and uncorrected violations.
- ✓ Additional ideas for construction site minimum requirements



Substantive areas of review

6. Enforcement Response Procedures (1/31/13, 3/6/13 meetings)

- **Goal:** Enforcement response procedures that are transparent and complement Permittees' inspection activities to result in compliant construction sites and ensure a uniform enforcement response for comparable violations. ERP should:
 - Ensure that violators return to compliance as quickly as possible.
 - Deter future noncompliance.
 - Penalize violators.
- **Reason:** Division audits have observed variable and a lack of enforcement for construction sites despite the information provided in the Permittee's Program Description document.



Substantive areas of review

6. Enforcement Response Procedures (1/31/13, 3/6/13 meetings)

- **Some Expected Permit Elements** (Division is seeking input)
 - ✓ Format of ERP (e.g., table of violation scenarios, permittee description and applicability of all enforcement tools and penalties)



Substantive areas of review

7. Post Construction Program 1/10/13 and 3/6/13 meetings

- ❑ **Goal:** Clear requirements for the regulatory mechanism, design standard, site plan review, construction confirmation, tracking, inspection and enforcement.
- ❑ **Reason:** Current permit does not comply with regulatory requirement to include requirements to meet MEP:
 - ❑ No standard for BMPs required. Adding anything could be considered compliance, e.g., an extra 1% pervious area
 - ❑ Not required to review plans.
 - ❑ No clarity in scale or frequency of oversight that must be conducted.

Substantive areas of review

7. Post Construction Program 1/10/13 and 3/6/13 meetings

- ❑ **Some Conceptual Permit Elements** (Division is seeking input)
 - ❑ WQCV for 100% of Impervious Area (IA) on new development (allow minor variances for areas not practicable, e.g., access apron to project site)
 - ❑ WQCV for 100% of IA on new redevelopment with variances (based on types of land development, alternative) to allow a reduced WQCV percentage or area captured.
 - ❑ Definition for redevelopment
 - ❑ Site plan review
 - ❑ Required O&M documentation
 - ❑ Construction confirmation (field inspections and sketch plan)
 - ❑ Required inspections
 - ❑ Tracking database



Substantive areas of review

7. Post Construction Program [1/10/13](#) and [3/6/13](#) meetings

- ❑ **Additional items Division is seeking input on:**

- ❑ Alternatives to WQCV of 100% of IA for redevelopment scenarios
 - ❑ Total Suspended Solids
 - ❑ Green Infrastructure/LID
 - ❑ 4 step process
 - ❑ Redevelopment based on density
- ❑ Required inspections
 - ❑ Upon acceptance
 - ❑ Minimum frequency during permit term

Substantive areas of review

8. Post Construction: Roadway

- ❑ **Goal:** Clear requirements for permanent water quality BMPs for roadway projects.
- ❑ **Reason:** Permittees and the Division agreed that the current permit lacks clarity regarding the definition of redevelopment for roadway projects versus maintenance and the requirements for permanent water quality BMPs.
- ❑ **Process**
 - ✓ The Water Quality Forum–MS4 Group is the lead for this area of review.
 - ✓ Meetings began Oct 2012
 - ✓ Information about the content of the meetings can be found on the Forum webpage: <http://colowqforum.org/workgroup-ms4-stormwater.html>

Substantive areas of review

8. Post Construction: Roadway

- ❑ **Division Concept at 3/11/13 meeting:**
 - ❑ New roadway requires 100% WQCV
 - ❑ Additional linear impervious area (IA) to existing road < 9' width, no permanent BMPs required, **but documentation and reporting of project will be required.**
 - ❑ Additional linear IA to existing road > 9' width < 1 acre IA/ mile of roadway:
 - ❑ If >50% increase of roadway, then WQCV or Alternative stds allowed for all roadway (see redevelopment)
 - ❑ If <50% increase of roadway, then WQCV or Alternative stds allowed (see redevelopment) for new impervious area.
- ❑ **Additional items Division is seeking input on:**
 - ❑ Any other BMP standards for roadway projects and scenarios.

Substantive areas of review

9. Municipal operations: (1/31/13 meeting)

- ❑ Goal: More clear language to address the following:
 - ✓ Required inspections and documentation of major facilities
 - ✓ Secondary containment for bulk storage
 - ✓ Regulation 85 requirements— Reg 85.5(4)(b) [discussed under Nutrients](#)
- ❑ Reason: Division audits revealed a lack of secondary containment for bulk storage, which is considered MEP in other permits. An observation from the EPA was that our municipal facilities aspects of the permit are weak—the Division agreed.
 - ❑ Current permit does not comply with regulatory requirement to include requirements to meet MEP:
 - ❑ Secondary containment (i.e., level of spill prevention)
 - ❑ Requirements to control discharges at municipal facilities. Pollutant sources similar to many industrial facilities, but level of control needed not defined in similar way. Current permit focuses on having a plan only.



Substantive areas of review

9. **Municipal operations (cont.):**

- ❑ Conceptual permit conditions
 - ❑ Secondary containment for bulk storage – see language from Colorado Springs permit
 - ❑ More specificity regarding Municipal Facility Runoff Control Plans
- ❑ Additional Items Division seeking input on:
 - ❑ See municipal ops requirements for nutrients



Substantive areas of review

10. **Nutrients:** (3/18/13 meeting)

- ❑ Goal: meet Regulation 85 requirements for education and municipal operations. Collaboration authorized.
- ❑ Reason: Required by Regulation 85



Substantive areas of review

10. Nutrients:

- ❑ Conceptual permit conditions (Division is seeking input)
 - ✓ Permittee must determine targeted sources (residential, commercial, industrial, ag) and municipal activities
 - ✓ Develop, document and implement a program to reduce nutrient impacts in stormwater and Illicit discharges
 - ✓ Provide outreach and education on identifies sources
 - ✓ Minimum outreach and education to specific sources.
 - ✓ Develop and implement a municipal operations program that prevent/reduces nutrients in stormwater runoff
 - ✓ Develop a list of facilities and activities affected by the Nutrient O&M program
 - ✓ Minimum areas for municipal implementation



Substantive areas of review

11. Monitoring: (3/18/13 meeting)

- **Goal:** The Division seeks to have scientific data driven decisions to address water quality impairment. The Division recommends E coli and selenium monitoring for Phase II permittees using Colorado Springs MS4 Permit as template language.
- **Reason:** The Division has determined that it is a priority to determine the E Coli and selenium contributions from dry weather flows from the MS4. The focus is on segments that are impaired for E Coli and selenium.
- **Expected Permit Elements:** Monitoring in the permit coverage area and from outfalls (outfalls of concern) that discharge to a stream segment that is listed for E coli and/or Selenium and has a dry weather flow greater than 5 gpm.

Substantive areas of review

11. Monitoring: (3/18/13 meeting)

■ Outfalls of Concern:

For storm sewer outfalls in the permit coverage area, ask the following questions to identify the outfalls for monitoring:

1. *Does the storm sewer outfall discharge to a segment that is listed for impairment of E coli or Selenium?*

No—this outfall does not meet the requirements for monitoring

2. *Yes—Is there a dry weather flow from the outfall that was answered ‘yes,’ above?*

No — this outfall does not meet the requirements for monitoring

3. *Yes—Is the flow greater than 5 gpm from the outfall that was answered ‘yes,’ above?*

No — this outfall does not meet the requirements for monitoring

4. *Yes—This outfall, which is in the permit coverage area and discharges to a stream segment that is listed for E coli or Selenium and has a dry weather flow greater than 5 gpm, is an outfall that must be monitored in accordance with the permit.*



Substantive areas of review

9. Monitoring:

- ❑ Additional Items Division seeking input on:
 - ❑ A “buffer distance” from the waterway to identify potential outfalls.
 - ❑ Flow quantification methods



Substantive areas of review

12. Coal Tar Asphalt Sealant (1/31/13 meeting)

- The Division identified Coal tar asphalt sealant containing poly aromatic hydrocarbons as a pollutant of concern. The Division discussed this pollutant with permittees using the information provided by the USGS <http://tx.usgs.gov/coring/allthingssealcoat.html>. Permittees stated that they did not believe that coal tar asphalt sealant was used on municipal projects and that the MS4 permit was not the appropriate venue to address coal tar asphalt sealant.
- Most permittees were supportive of this issue being addressed state wide.
- The Division will provide transparency on this discussion by referencing the discussion in the fact sheet.



Miscellaneous Items

1. Definitions:

- The Division has identified additional definitions to include in the permit (there may be other definitions added to the permit)
 - Construction Activity
 - Control Measure
 - Discharge
 - Land Disturbing Activity
 - Effluent Limit
 - Good Engineering, Hydrologic and Pollution Control Practices
 - Growth Area
 - Maintenance (pavement maintenance)
 - Minimize
 - Redevelopment



Miscellaneous Items

2. Pesticides:

- Division will include language in the draft permit to clearly identify that the permit authorizes the discharge of pesticides, and to be consistent with the statewide pesticide general permit.

3. Other?

- Additional stakeholder input for other permit changes?
- Potential for additional modifications to be identified during development of the draft permit.



Substantive areas of review

1. Program Description Document
2. Permit Coverage (Counties)
3. Public Education
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PRE-PUBLIC NOTICE MEETING

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May 6, 2013

Open Discussion

Email additional input until May 20, 2013 to

Michelle.DeLaria@state.co.us